

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PHILIP L.B. SCOTT,

Plaintiff,

vs.

No. 13-cv-00285 KG-GBW

EDGAR LOPEZ,

Defendant.

**ORDER EFFECTUATING SETTLEMENT, TRANSFERRING ASSETS, AND
DISMISSING COMPLAINT WITH PREJUDICE**

THIS MATTER, having come before the Court upon Plaintiff and Defendant's Joint Motion to Effectuate Settlement, Transfer Assets, and Dismiss with Prejudice, and the Court, having considered the motion and being fully advised in the premises, find that the motion is well-taken and should be GRANTED.

The Court further FINDS that:

1. On November 20, 2014, the parties met in a settlement conference before Magistrate Judge Gregory B. Wormuth and settled the claims in this matter. The terms of the parties' settlement were read into the record and affirmed by the parties' and their representatives on November 20, 2014.

2. On December 4, 2014, after the settlement had been reached, Defendant Edgar Lopez passed away unexpectedly.

3. Edgar Lopez's wife, Mary Lopez, has been appointed the personal representative of Edgar Lopez's estate.

4. Both Plaintiff and Mary Lopez, as personal representative for Edgar Lopez's estate, wish to finalize the settlement agreement reached on November 20, 2014.

5. Among the terms of the settlement agreement, Edgar Lopez agreed to (a) transfer all of his interest in Amador Associates, LLC to Plaintiff Scott and (b) to assign all of IMA, Inc.'s interest in a note given to IMA, Inc. by 4217 Winchester Road LLC, which is attached to the motion as **Exhibit A** (the "Note").

6. At the time the settlement was reached on November 20, 2014, Edgar Lopez was President and sole shareholder of IMA, Inc. with full authority to assign the Note to Plaintiff Scott.

7. In exchange for all of Edgar Lopez's interest in Amador Associates, LLC and receipt of the assignment of the Note, Plaintiff Scott agreed to dismiss his claims with prejudice against Edgar Lopez, subject to the terms and conditions of the settlement.

It is therefore ORDERED, ADJUDGED, AND DECREED that:

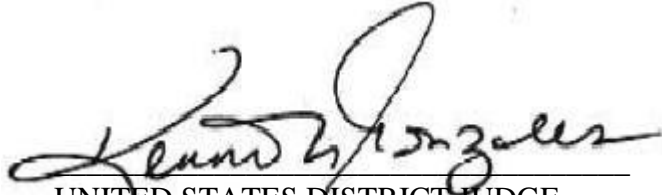
1. The settlement agreement reached and read into the record on November 20, 2014 is binding and effective on the parties, including the estate of Edgar Lopez;

2. All of Edgar Lopez's and the Estate of Edgar Lopez's interests in Amador Associates, LLC are hereby assigned, granted, or otherwise transferred to Plaintiff Philip L.B. Scott;

3. All of Edgar Lopez's, IMA, Inc.'s, and the Estate of Edgar Lopez's interests in the Note are hereby assigned to Plaintiff Philip L.B. Scott;

4. Subject to the terms of the November 20, 2014 settlement, Plaintiff Philip L.B. Scott's complaint against Edgar Lopez is hereby DISMISSED WITH PREJUDICE, with each party to bear its own attorneys' fees and costs.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Submitted and approved by,

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